

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
VALDOSTA DIVISION**

UNITED STATES OF AMERICA

v.

**JONATHAN RYLES, a/k/a
JOHN BLACK**

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Case No. 7:12-CR-29 (HL)

**ORDER FOR THE DESTRUCTION OF
AMMUNITION AND FINAL ORDER OF FORFEITURE**

On January 9, 2013, pursuant to 21 U.S.C. ' 853(n), as incorporated by Title 28, United States Code, Section 2461(c), and Federal Rule of Criminal Procedure 32.2(b), this Court entered a Preliminary Order of Forfeiture against Defendant Jonathan Ryles, a/k/a John Black.

Pending now before the Court is the United States' motion for an order authorizing the destruction of ammunition, and for a final order of forfeiture.

The Court hereby makes the following FINDINGS OF FACT AND CONCLUSIONS OF LAW:

1. This Court has jurisdiction of this matter pursuant to 18 U.S.C. ' 3231, and venue is proper pursuant to 18 U.S.C. ' 3232 and FED. R. CRIM. P. 18.

2. The United States has furnished due and legal notice of these proceedings as required by law by causing publication of notice of forfeiture and the intent of the United States to dispose of the property in accordance with the law.

3. The notice of forfeiture provided that any persons or entities having or claiming a legal right, title or interest in the property, within thirty (30) days of receipt of

the notice, or no later than sixty (60) days from the first day of publication on the official internet government forfeiture website, *www.forfeiture.gov*, whichever is earlier, must petition the United States District Court for the Middle District of Georgia for a hearing to adjudicate the validity of his or her alleged interest in the property pursuant to 21 U.S.C. ' 853(n), and incorporated by 28, U.S.C. ' 2461(c).

4. No other persons or entities filed third-party petitions asserting claims or interests in the property subject to forfeiture, and the time for filing such petitions has now expired.

5. The Colquitt County Sheriff's Department currently has in its possession the following property, which was seized by the Agency in connection with the above-styled criminal case, to wit: nineteen (19) rounds of ammunition.

6. Without an order of this Court authorizing the Agency to destroy the ammunition listed above in Paragraph 5, the Agency would be required to maintain, at an ever increasing cost, custody and control of the ammunition for an indefinite period of time. There would not be any corresponding benefit to the public in having the Agency maintain custody and control of the ammunition.

7. Pursuant to Title 18, United States Code, Section 922(g)(1), it is unlawful for any person who has been convicted in any court of crime punishable by imprisonment for a term exceeding one year, to ship, or transport in interstate or foreign commerce, or possess in or affecting commerce, any firearm or ammunition; to receive any firearm or ammunition which has been shipped or transported in interstate or foreign commerce.

8. The property listed above in Paragraph 5 should not be returned to a convicted felon, and it would be improper to allow a third party to take possession and to sell the ammunition on a convicted felon's behalf, because the felon would profit from items that they can no longer legally possess.

9. Currently, there is no specific statute authorizing the destruction of the ammunition in the circumstances described herein. However, the All Writs Act authorizes "[t]he Supreme Court and all courts established by Act of Congress . . . [to] issue all writs necessary or appropriate in aid of their respective jurisdictions and agreeable to the usages and principles of law." 28 U.S.C. § 1651(a).

THEREFORE, IT IS HEREBY ORDERED THAT:

1. The Colquitt County Sheriff's Office, may destroy the following property: to wit: nineteen (19) rounds of ammunition.

2. The Court's January 9, 2013, Preliminary Order of Forfeiture is final and all right, title, and interest in the following described property is hereby forfeited to and vested in the United States, to be disposed of in accordance with the law, to wit: One (1) Ruger, Model P95DC, 9mm caliber semi-automatic pistol, Serial Number 313-87393, with attached magazine.

3. The Court shall retain jurisdiction to enforce this Order, and to amend it as necessary, pursuant to FED. R. CRIM. P. 32.2(e).

SO ORDERED, this 31st day of October, 2013.

s/Hugh Lawson
HUGH LAWSON, SENIOR JUDGE
UNITED STATES DISTRICT COURT

PREPARED BY:

MICHAEL J. MOORE
UNITED STATES ATTORNEY

s/ DANIAL E. BENNETT
ASSISTANT UNITED STATES ATTORNEY
GEORGIA STATE BAR NO. 052683